

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of: Confirmation Number: **6640**

**Gao et al.** Group Art Unit: **2645**

Serial No.: **10/759,165** Examiner: **Gauthier, Gerald**

Filed: **January 20, 2004** Docket No.: **190252-1831**

For: **Voice Mail Notification Using Instant Messaging**

**RESPONSE**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. §1.114, a Request for Continued Examination is filed concurrently with this response to the Final Office Action so that the Final Office Action mailed February 27, 2006, is now effectively made non-final. Reconsideration and allowance of the application and presently pending claims, as amended, are respectfully requested.

**AUTHORIZATION TO DEBIT ACCOUNT**

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 20-0778.

## AMENDMENTS

### In the Claims

The following is a marked-up version of the claims with the language that is underlined (“      ”) being added and the language that contains strikethrough (“”) being deleted:

21. – 40. (Canceled)

41. (Currently Amended) A method, at an enhanced notification server, for notification of messages comprising:

receiving a notification from a first message server, wherein the notification includes information related to an incoming message that is intended for a subscriber, wherein the notification further includes a first identification associating the subscriber with the first message server;

determining at least one user preference setting, wherein the at least one user preference setting indicates whether the subscriber desires to receive the incoming message with the notification;

mapping the first identification to a second identification, wherein the second identification associates the subscriber with a second message server;

querying the second message server using the second identification, to determine current availability of the subscriber on a communications device associated with the second message server; and

~~forwarding the notification to the communications device in response to a determination that the user is available on communications device.~~

~~in response to a determination that the subscriber is currently available on the communications device, forwarding the notification to the communications device; and~~

~~in response to a determination that the subscriber is currently not available on the communications device, queuing the notification at the enhanced notification server for later delivery.~~

42. (Canceled)

43. (Previously Presented) The method of claim 41, wherein the first message server is a voicemail server.

44. (Currently Amended) The method of claim 41, wherein the information related to an incoming messages includes one or more of the following: an identity of a sender of the incoming message, a date of the incoming message, a time of the incoming message, an a size of the incoming message.

45. (Previously Presented) The method of claim 41, wherein the second message server is an instant messaging presence server.

46. (Previously Presented) The method of claim 41, wherein the communications device is an instant messaging client.

47. (Previously Presented) The method of claim 41, further comprising, in response to a determination that the at least one user preference setting indicates that the subscriber prefers to receive the incoming message with the notification, attaching the incoming message to the notification.

48. (Currently Amended) An enhanced notification server configured to:
- receive a notification from a first message server, wherein the notification includes information related to an incoming message that is intended for a subscriber, wherein the notification further includes a first identification associating the subscriber with the first message server;
  - determine at least one user preference setting, wherein the at least one user preference setting indicates whether the subscriber desires to receive the incoming message with the notification;
  - map the first identification to a second identification, wherein the second identification associates the subscriber with a second message server;
  - query the second message server using the second identification, to determine current availability of the subscriber on a communications device associated with the second message server; and
  - ~~forward the notification to the communications device in response to a determination that the user is available on communications device.~~
  - ~~in response to a determination that the subscriber is currently available on the communications device, forward the notification to the communications device; and~~

in response to a determination that the subscriber is currently not available on the communications device, queue the notification at the enhanced notification server for later delivery.

49. (Canceled)

50. (Previously Presented) The server of claim 48, wherein the first message server is a voicemail server.

51. (Currently Amended) The server of claim 48, wherein the information related to an incoming messages includes at least one of the following: an identity of a sender of the incoming message, a date of the incoming message, a time of the incoming message, ~~an~~ a size of the incoming message.

52. (Previously Presented) The server of claim 48, wherein the second message server is an instant messaging presence server.

53. (Previously Presented) The server of claim 48, wherein the communications device is an instant messaging client.

54. (Previously Presented) The server of claim 48, further configured to, in response to a determination that the at least one user preference setting indicates that the subscriber prefers to receive the incoming message with the notification, attach the incoming message to the notification.

55. (Currently Amended) A method, at an enhanced notification server, for notification of messages comprising:

receiving a notification from a first message server, wherein the notification includes information related to an incoming message that is intended for a subscriber, wherein the notification further includes a first identification associating the subscriber with the first message server;

mapping the first identification to a second identification, wherein the second identification associates the subscriber with a second message server;

querying the second message server, using the second identification, to determine current availability of the subscriber on a communications device associated with the second message server;

~~forwarding the notification to the communications device in response to a determination that the user is available on the communications device, wherein the notification includes a query of whether the subscriber desires to receive the incoming message via the second message server; and~~

in response to a determination that the subscriber is currently available on the communications device, forwarding the notification to the communications device, wherein the

notification includes a query of whether the subscriber desires to receive the incoming message via the second message server;

in response to a determination that the subscriber is not currently available on the communications device, queuing the notification at the enhanced notification server for later delivery; and

in response to receiving an indication a response to the query, indicating that the subscriber desires to receive the incoming message via the second messaging server, retrieving the incoming message from the first messaging server.

56. (Canceled)

57. (Currently Amended) The method of claim 41, claim 55, wherein the first message server is a voicemail server.

58. (Currently Amended) The method of claim 41, claim 55, further comprising forwarding the retrieved incoming message to the second messaging server.

59. (Currently Amended) The method of claim 41, claim 55, wherein the second message server is an instant messaging presence server.

60. (Currently Amended) The method of claim 41, claim 55, wherein the communications device is an instant messaging client.

## REMARKS

Applicants respectfully request entry of the following amendments and remarks contained herein in response to the Final Office Action mailed February 27, 2006. Applicants respectfully submit that the amendment and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 41, 43 – 48, 50 – 55, and 57 – 60 remain pending. In particular, Applicants amend claims 41, 44, 48, 51, 55, and 57 – 60 and cancel claims 42, 49, and 56 without prejudice, waiver, or disclaimer. Applicants cancel claims 42, 49, and 56 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### I. Examiner Interview

Applicants first wish to express their sincere appreciation for the time that Examiner Gauthier spent with Applicants' Attorney, Anthony Bonner during a telephone discussion on April 4, 2006 regarding the outstanding Office Action. During that conversation, Examiner Gauthier seemed to indicate that it would be potentially beneficial for Applicants to make amendments contained herein. More specifically, Mr. Bonner suggested a potential amendment to claim 41 to include an element such as "in response to a determination that the subscriber is currently not available on the communications device, queuing the notification at the enhanced

notification server.” While no agreement was met, Applicants respectfully request that Examiner Gauthier carefully consider this response and the amendments.

## **II. Claim Objections, Claim Amendments, and Canceled Claims**

The Office Action indicates that claims 56 – 60 are objected as being improper because these claims are duplicates of claims 42 – 47. Applicants amend claims 57 – 60 and submit that claims 57 – 60 are now in condition for allowance. In addition, Applicants cancel claim 56 and consider this issue moot.

Additionally, Applicants cancel claims 42 and 49, as well as amend claims 44 and 58. Applicants submit that these amendments are made to correct clerical errors and should not be construed to invoke prosecution history estoppel.

## **III. Rejections Under 35 U.S.C. §103**

In order for a claim to be properly rejected under 35 U.S.C. §103, the teachings of the cited art reference must suggest all features of the claimed invention to one of ordinary skill in the art. *See, e.g., In re Dow Chemical*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981). Further, “[t]he PTO has the burden under section 103 to establish a *prima facie* case of obviousness. It can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.” *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

A. **Claim 41 is Patentable Over Zafar in view of Myers and further in view of Fortman**

The Office Action indicates that claim 41 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Publication Number 2004/0076272 A1 ("Zafar") in view of U.S. Publication Number 2003/0131143 A1 ("Myers") and further in view of U.S. Publication Number 2003/0095643 A1 ("Fortman"). Applicants respectfully traverse this rejection for at least the reason that *Zafar* in view of *Myers* and further in view of *Fortman* fail to disclose, teach, or suggest all of the elements of claim 41, as amended. More specifically, claim 41, as amended, recites:

A method, at an enhanced notification server, for notification of messages comprising:

receiving a notification from a first message server, wherein the notification includes information related to an incoming message that is intended for a subscriber, wherein the notification further includes a first identification associating the subscriber with the first message server;

determining at least one user preference setting, wherein the at least one user preference setting indicates whether the subscriber desires to receive the incoming message with the notification;

mapping the first identification to a second identification, wherein the second identification associates the subscriber with a second message server;

querying the second message server using the second identification, to determine current availability of the subscriber on a communications device associated with the second message server;

in response to a determination that the subscriber is currently available on the communications device, forwarding the notification to the communications device; and

in response to a determination that the subscriber is currently not available on the communications device, queuing the notification *at the enhanced notification server for later delivery.* (*emphasis added*)

Applicants respectfully submit that the cited art fails to disclose, teach or suggest a "method, at an enhanced notification server, for notification of messages comprising... in response to a determination that the subscriber is not currently available on the communications

device, queuing the notification *at the enhanced notification server* for later delivery” as recited in claim 41, as amended. The Office Action asserts “Zafar discloses a method, further comprising queuing the incoming message for a later delivery in response to a determination that the user is currently not available on the communications device” (OA p. 5, line 1). However, *Zafar* fails to disclose queuing the message at all, not to mention queuing the notification *at the enhanced notification server* for later delivery.

Applicants additionally submit that *Meyers* and *Fortman* fail to disclose “in response to a determination that the subscriber is not currently available on the communications device, queuing the notification *at the enhanced notification server* for later delivery” as recited in claim 41, as amended. For at least the reason that none of the references, independently or collectively disclose, teach, or suggest all of the claimed elements, Applicants submit that claim 41, as amended, is allowable over the cited art.

B. **Claim 48 is Patentable Over Zafar in view of Myers and further in view of Fortman**

The Office Action indicates that claim 48 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Zafar* in view of *Myers* and further in view of *Fortman*. Applicants respectfully traverse this rejection for at least the reason that *Zafar* in view of *Myers* and further in view of *Fortman* fails to disclose, teach, or suggest all of the elements of claim 48, as amended. More specifically, claim 48, as amended, recites:

An enhanced notification server configured to:  
receive a notification from a first message server, wherein the notification includes information related to an incoming message that is intended for a subscriber, wherein the notification further includes a first identification associating the subscriber with the first message server;

determine at least one user preference setting, wherein the at least one user preference setting indicates whether the subscriber desires to receive the incoming message with the notification;

map the first identification to a second identification, wherein the second identification associates the subscriber with a second message server;

query the second message server using the second identification, to determine current availability of the subscriber on a communications device associated with the second message server;

in response to a determination that the subscriber is currently available on the communications device, forward the notification to the communications device; and

in response to a determination that the subscriber is not currently available on the communications device, *queue the notification at the enhanced notification server* for later delivery. (*emphasis added*)

Applicants respectfully submit that the cited art fails to disclose, teach or suggest a “enhanced notification server configured to... in response to a determination that the subscriber is not currently available on the communications device, *queue the notification at the enhanced notification server* for later delivery” as recited in claim 48, as amended. The Office Action asserts “Zafar discloses a [server], further comprising queuing the incoming message for a later delivery in response to a determination that the user is currently not available on the communications device” (OA p. 5, line 1). However, Zafar fails to disclose queuing the message at all, not to mention queu[ing] the notification *at the enhanced notification server* for later delivery.

Applicants additionally submit that Meyers and Fortman fail to disclose “in response to a determination that the subscriber is not currently available on the communications device, *queue the notification at the enhanced notification server* for later delivery” as recited in claim 48, as amended. For at least the reason that none of the references, independently or collectively

disclose, teach, or suggest all of the claimed elements, Applicants submit that claim 48, as amended, is allowable over the cited art.

C. **Claim 55 is Patentable Over Zafar in view of Myers and further in view of Fortman**

The Office Action indicates that claim 55 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Zafar* in view of *Myers* and further in view of *Fortman*. Applicants respectfully traverse this rejection for at least the reason that *Zafar* in view of *Myers* and further in view of *Fortman* fails to disclose, teach, or suggest all of the elements of claim 55, as amended. More specifically, claim 55, as amended, recites:

A method, at an enhanced notification server, for notification of messages comprising:

receiving a notification from a first message server, wherein the notification includes information related to an incoming message that is intended for a subscriber, wherein the notification further includes a first identification associating the subscriber with the first message server;

mapping the first identification to a second identification, wherein the second identification associates the subscriber with a second message server;

querying the second message server, using the second identification, to determine current availability of the subscriber on a communications device associated with the second message server;

in response to a determination that the subscriber is currently available on the communications device, forwarding the notification to the communications device, wherein the notification includes a query of whether the subscriber desires to receive the incoming message via the second message server;

in response to a determination that the subscriber is not currently available on the communications device, *queueing the notification at the enhanced notification server* for later delivery; and

in response to receiving a response to the query indicating that the subscriber desires to receive the incoming message via the second messaging server, retrieving the incoming message from the first messaging server. (*emphasis added*)

Applicants respectfully submit that the cited art fails to disclose, teach or suggest a “method, at an enhanced notification server, for notification of messages comprising... in response to a determination that the subscriber is not currently available on the communications device, queuing the notification *at the enhanced notification server* for later delivery” as recited in claim 55, as amended. The Office Action asserts “Zafar discloses a method, further comprising queuing the incoming message for a later delivery in response to a determination that the user is currently not available on the communications device” (OA p. 5, line 1). However, *Zafar* fails to disclose queuing the message at all, not to mention queuing the notification *at the enhanced notification server* for later delivery.

Applicants additionally submit that *Meyers* and *Fortman* fail to disclose “in response to a determination that the subscriber is not currently available on the communications device, queuing the notification *at the enhanced notification server* for later delivery” as recited in claim 55, as amended. For at least the reason that none of the references, independently or collectively disclose, teach, or suggest all of the claimed elements, Applicants submit that claim 55, as amended, is allowable over the cited art.

**D. Claims 43 – 47, 50 – 54, and 57 – 60 are Patentable Over Zafar in view of Myers and further in view of Fortman**

The Office Action indicates that claims 43 – 47, 50 – 54, and 57 – 60 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Zafar* in view of *Myers* and further in view of *Fortman*. Applicants respectfully traverse this rejection for at least the reason that *Zafar* in view of *Myers* and further in view of *Fortman* fails to disclose, teach, or suggest all of the elements of claims 43 – 47, 50 – 54, and 57 – 60. More specifically, dependent claims 43 – 47

are believed to be allowable for at least the reason that these claims depend from allowable independent claim 41. Dependent claims 50 – 54 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 48. Dependent claims 57 – 60 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 55. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

## CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above,

Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Further, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



---

Anthony F. Bonner, Jr., Reg. No. 55,012

**THOMAS, KAYDEN,  
HORSTEMEYER & RISLEY, L.L.P.**  
Suite 1750  
100 Galleria Parkway N.W.  
Atlanta, Georgia 30339  
(770) 933-9500

Customer No.: 38823